

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 270

June 20, 1995, 12:45 p.m.
Page S-8653 Temp. Record

NATIONAL HIGHWAY SYSTEM/Mandate on States to Post Speed Limits

SUBJECT: National Highway System Designation Act of 1995 . . . S. 440. Nickles motion to table the Lautenberg/DeWine modified amendment No. 1428.

ACTION: MOTION TO TABLE AGREED TO, 64-36

SYNOPSIS: As reported, S. 440, the National Highway System Designation Act of 1995, will designate the National Highway System in accordance with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Failure to enact the bill by September 30, 1995, will result in all States losing their National Highway System and Interstate Maintenance funding.

The Lautenberg/DeWine modified amendment would limit transportation funding for any State that posted speed limits in excess of the national speed limit of 55 miles per hour (mph) or in excess of the 65 mph limit currently allowed on some roads. However, it would not limit funding if States did not enforce those posted speed limits. (S. 440 will eliminate both the posting and enforcement requirements that currently exist.)

Debate was limited by unanimous consent. Following debate, Senator Nickles moved to table the Lautenberg/DeWine amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Argument 1:

This bill will not raise speed limits. Instead, it will remove the Federal 55 mph speed limit mandate on the States. States will be free to establish any speed limits they deem appropriate without being punished by the Federal Government for setting limits that it thinks are too high. The Federal speed limit was originally proposed as a means of conserving fuel. Cars are now designed so they can use fuel efficiently at higher speeds, plus the need for conserving fuel has diminished. Still, the 55 mph speed limit lives on. The reason is that some Members of Congress are convinced that they are better able to determine the appropriate speed limits in States

(See other side)

YEAS (64)			NAYS (36)			NOT VOTING (0)	
Republicans (50 or 93%)		Democrats (14 or 30%)	Republicans (4 or 7%)		Democrats (32 or 70%)	Republicans (0)	Democrats (0)
Abraham	Inhofe	Baucus	Chafee	Akaka	Kennedy		
Ashcroft	Jeffords	Bingaman	DeWine	Biden	Kerrey		
Bennett	Kassebaum	Breaux	Hatfield	Boxer	Kohl		
Bond	Kempthorne	Bryan	Warner	Bradley	Lautenberg		
Brown	Kyl	Conrad		Bumpers	Levin		
Burns	Lott	Feingold		Byrd	Lieberman		
Campbell	Lugar	Graham		Daschle	Mikulski		
Coats	Mack	Inouye		Dodd	Moseley-Braun		
Cochran	McCain	Johnston		Dorgan	Moynihan		
Cohen	McConnell	Kerry		Exon	Murray		
Coverdell	Murkowski	Leahy		Feinstein	Pell		
Craig	Nickles	Nunn		Ford	Pryor		
D'Amato	Packwood	Reid		Glenn	Rockefeller		
Dole	Pressler	Robb		Harkin	Sarbanes		
Domenici	Roth			Heflin	Simon		
Faircloth	Santorum			Hollings	Wellstone		
Frist	Shelby						
Gorton	Simpson						
Gramm	Smith						
Grams	Snowe						
Grassley	Specter						
Gregg	Stevens						
Hatch	Thomas						
Helms	Thompson						
Hutchison	Thurmond						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

than are State legislatures. We disagree; this matter should be left to the States.

In 1973, a national 55 mph speed limit was passed as a means of conserving fuel during the Arab oil embargo. Though the glut of oil on the world market has long since destroyed the effective power of the Arab oil cartel, and though automotive advances have made it actually fuel-efficient to operate cars at higher rates of speed, a new rationale has emerged in defense of Washington imposing a uniform, maximum speed limit on every road in every State in the country: safety. The simplistic mantra that "speed kills" is repeated endlessly by the Washington-knows-best crowd.

This simplistic mantra states only one part of the equation. If we were to reduce the speed limit even more--to 40 mph, to 20 mph, to 5 mph--and if we were able to force the American people to observe such limits, the number of traffic injuries and fatalities would be reduced. To take our colleagues' logic one step further, the only certain way to end all deaths and injuries would be to enforce a 0 mph speed limit--if no one moves, no one gets hurt. Once anyone gets behind the wheel of a one- to two-ton vehicle and makes it move, the risks begin. Saying "speed kills" simply states the obvious proposition that driving involves risks, and that driving faster generally involves greater risks. It does not say anything at all about what level of risks people wish to assume, nor does it say anything at all about which level of government is best able to determine the speed limits on roads that will result in the level of risks that people in a State desire.

The truth is that lower speed limits do not necessarily result in less accidents. In 1987 the Federal Government decided to relax its 55 mph rule, allowing States to raise the limit on some rural roads to 65 mph. According to an American Automobile Association 1991 study, traffic fatalities then declined on those roads by 3 percent to 5 percent. One reason that may explain the decline is that most people drive faster than 55 mph. Setting a limit that is too low for a road causes driver frustration. More people will tailgate, and more people will change lanes to pass the few slower drivers who obey the speed limit or who dawdle along in the fast lane. Even our colleagues who support the 55 mph limit concede that few people are inclined to obey it. They seem to attribute this failure to a general lawlessness on the part of the American people, insisting that Americans will exceed any speed limit that is set; we, for our part, attribute it to a general failure of the law to comport with the desires of the vast majority of the American people.

Prior to 1973, States had speed limits averaging between 65 mph and 80 mph. Two States--Wyoming and Montana--had no speed limits at all. In those days, cars were great lurching behemoths with skinny little bias-belted tires and primitive suspensions and breaks. Today's cars, in contrast, are much easier to drive and have many more safety features, resulting in fewer accidents and less severe injuries in the accidents that do occur. Front-end, 40-mph collisions 20 years ago were usually fatal; today, not only do people usually survive such accidents, they often walk away from them. Humdrum mass-produced cars can outbrake, outhandle, and sometimes out-accelerate the finest exotic and high performance machinery of 20 or 30 years ago. Our point is that the cars of today can move at higher speeds much more safely now than when they were allowed to before the Federal Government decided that Americans needed to save gas. People understandably now wish to drive faster, and they understandably ignore the 55 mph limit.

When people had control over the speed limits in their States through their State legislatures, many States had much higher speed limits with much less safe cars than we have now. However, there was great variation among the States. The reason for that variation had nothing to do with a greater or lesser concern of some State legislatures for the welfare of their own citizens. Instead, it had to do with the conditions in each State. Terrain, congestion, visibility, road conditions, and similar factors all had a bearing on determining the proper speed limits.

The Federal Government threw out all these considerations in 1973 in an effort to save gas. A motorist travelling on a straight, flat, deserted highway in Nevada was ordered to drive 55 not because it was unsafe to go faster, but because the Government wanted to save gas. Now our colleagues tell us that they have figured out that it is unsafe to go faster on such a road, even though cars have never been safer than they are today. They tell us that it is important to have a uniform, "safe" speed of 55 mph in America. However, setting a 55 mph speed limit does not guarantee any uniform safety. Puttering through Nevada at 55 mph is much safer than driving on the New Jersey Turnpike at that speed. A 55 mph limit sets an arbitrary standard that necessarily results in wildly varying degrees of safety on interstate highways across the country. The sensible solution would be to let the States, which are intimately familiar with road conditions within their boundaries, set the appropriate speed limits. Such a course would result in true safety uniformity.

For 20 years, States have been forced to obey the "one-size-fits-all" Federal speed limit. If any State had refused, it would have had to forfeit a portion of its Federal highway funding, which is financed by a gas tax that is collected by the States. It is time to end this outrage. States are better able to determine the appropriate speed limits within their borders than is the Federal Government. We therefore strongly urge our colleagues to join us in tabling the Lautenberg/DeWine amendment.

Argument 2:

The Lautenberg/DeWine amendment proposes an empty gesture that would only breed contempt for the law. Posting a speed limit that would not be enforced would elevate appearance over substance. Laws must be obeyed; we will not support a law just so we can hypocritically pretend that there is still a 55 mph speed limit. We support such a speed limit, but we cannot support this amendment.

Those opposing the motion to table contended:

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The Lautenberg/DeWine amendment offers Senators a fair compromise proposal on the contentious issue of a national speed limit. We strongly favor having such a limit, and we want people to obey it. However, we do not think that the Federal Government needs to micromanage its enforcement. Making States comply with the current elaborate reporting requirements to prove that they are making people obey the limit is unnecessary. Accordingly, this amendment would retain the 55 mph speed limit, but it would not involve the Federal Government in overseeing its enforcement. The States would be trusted to do the jobs themselves.

We favor having a 55 mph speed limit because it saves lives. Every statistic and every study we have ever seen on this issue has hammered this point home for us. In 1973, before the limit was enacted, 50,000 people died in traffic accidents. In 1974, as a result of the new limit, that death toll dropped to 46,000. According to the National Academy of Sciences, the double-nickel speed limit saves 2,000 to 4,000 lives every year.

Moving forward to 1987, the speed limit was increased to 65 mph for some rural interstates. As a result, according to the National Highway Traffic Safety Administration, the fatalities on those highways were 30 percent higher than projected levels. On estimate by the Insurance Institute of America is that this 65 mph speed limit costs an additional 500 lives annually. If we remove the limit for congested urban highways, as proposed in this amendment, the number of deaths will grow much more rapidly. The Department of Transportation has estimated that an additional 4,750 people will die each year if the 55 mph speed limit is entirely repealed.

Many Senators view this as a States' rights issue. They say that each State should be able to set its own rules. However, interstate travel is a national, not a State, issue. Americans should not be subjected to different standards of safety just because they cross State lines. It should not be more dangerous to travel in one State than in another.

Most importantly, this issue is one of simple common sense. If Senators do not accept the Lautenberg/DeWine amendment, the result will be approximately 4,000 more highway deaths per year. The very simple, irrefutable fact is that speed kills, and the statistics have remained so constant over the past 20 years that we have a pretty good of idea exactly how much extra carnage will result from repealing the 55 mph national speed limit. We oppose allowing that carnage, and thus strongly support the Lautenberg/DeWine amendment.